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No. 09/440,363 filed November 15, 1999, now U.S. Patent No. 6,121,001, which is a continuation of U.S. Application No. 09/015,949 filed January 30, 1998, now U.S. Patent No. 6,110,627, which is a continuation of U.S. Application Serial No. 08/691,627 filed August 2, 1996, now U.S. Patent No. 5,792,614, which is a continuation of U.S. Patent Application No. 08/363,169 filed December 23, 1994, abandoned.

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Please add, as a separate part of the Specification, the paper copy of the Sequence Listing filed herewith.

#### REMARKS

Claims 1-34 have been cancelled. Claims 35-41 have been added. Support for the new claims can be found throughout the specification and specifically, for example, in the cancelled claims.

#### REQUEST TO TRANSFER PREVIOUSLY FILED SEQUENCE INFORMATION

The Specification has been amended to include a paper copy of the Sequence Listing. The paper copy of the Sequence Listing in this Application No. 09/989,757, is identical to the computer readable copy of the Sequence Listing filed in application 08/363,169 filed December 23, 1994. In accordance with 37 C.F.R. 1.821(e) please use the only computer readable form filed in that application as the computer readable for the instant application. It is understood the Patent and Trademark Office will make the necessary changes in application number and filing date for the instant application.



### CONCLUSION

In the event the Examiner is of the opinion that a telephone conference would expedite prosecution of this application, Examiner is encouraged to contact Applicants' undersigned representative.

DATE: 2-21-02

Respectfully submitted,

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## **APPENDIX A**

Serial No.: 09/989,757  
Application of: Western, et al  
Atty Docket: 01-686

### **A clean copy of pending claims**

35. A composition formed during the detection of a target polynucleotide analyte at a temperature wherein a first oligonucleotide substantially reversibly hybridizes to the polynucleotide analyte, the composition comprising a first oligonucleotide capable of reversibly hybridizing to a polynucleotide analyte, and a second oligonucleotide capable of hybridizing to the polynucleotide analyte, the first oligonucleotide comprising a 3' portion that is substantially complementary to the analyte and a 5' portion which does not hybridize to the analyte, wherein the second oligonucleotide hybridizes to said analyte at a location in the 3' direction from the first oligonucleotide.

36. The composition of claim 1 wherein the second oligonucleotide is substantially fully hybridized to the polynucleotide analyte at the temperature where the first oligonucleotide reversibly hybridizes with the polynucleotide analyte.

37. The composition of claim 1 wherein the first oligonucleotide comprises a label.

38. The composition of claim 3 wherein the label is on the 3' portion of the first oligonucleotide.

39. The composition of claim wherein the label is on the 5' portion of the first oligonucleotide.

40. The composition of claim 1 wherein the 5' portion of the first oligonucleotide comprises about 1 to 20 oligonucleotides.

41. The composition of claim 1 wherein the 3' portion of the first oligonucleotide comprises about 10 to 40 nucleotides.